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Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba

Culture of peace

Implementation of the outcome of the World Summit for Social Development

Assistance in mine clearance

Fiftieth anniversary of the Universal Declaration of Human Rights

Elimination of coercive economic measures as a means of political and economic compulsion

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Consolidation of the regime established by the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco)

Macroeconomic policy questions

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Environment and sustainable development

Social development, including questions relating to the world social situation and to youth, ageing, disabled persons and the family

International drug control

Elimination of racism and racial discrimination

Human rights questions

Measures to eliminate international terrorism

98-30301 (E) 211098 281098

Letter dated 9 October 1998 from the Permanent Representative of Panama to the United Nations addressed to the Secretary-General

In my capacity as coordinator of the Rio Group in New York, I have the honour to attach herewith the Panama City Declaration and the Declaration of Heads of State and Government adopted at the Twelfth Summit of the Rio Group, which was held in Panama on 4 and 5 September 1998 (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the fifty-third session of the General Assembly under agenda items 29, 31, 37, 42, 46, 51, 71, 77, 91, 93, 94, 100, 102, 108, 110 and 155.

(*Signed*) Aquilino **Boyd**
Ambassador
Permanent Representative

Annex

Declarations adopted at the Twelfth Summit of Heads of State and Government of the Rio Group, held in Panama City on 4 and 5 September 1998

Panama City Declaration

1. We, the heads of State and Government of the States members of the Permanent Mechanism for Consultation and Concerted Political Action (Rio Group), have gathered in Panama City on 4 and 5 September 1998 to reaffirm, based upon our shared principles and values, which are aimed at strengthening and defending peace and representative democracy and at forging a joint programme for economic and social development, the commitment of our Governments to strengthen the Rio Group as the preferred and most representative forum in the region for dialogue and for the analysis and exchange of experiences and opinions on the important issues on the agenda of this meeting.

2. Globalization, economic liberalization, the significant increase in intraregional trade, the emergence of economic integration arrangements and their respective forums for political consultation at the subregional level, the disappearance of bipolarity and the consolidation of democracy in the continent are all signposts that indicate the way forward to a strengthening of the framework for the process of consultation and integration in which our countries are involved.

3. We recall the commitment given at the Eighth Summit and renew our pledge to ensure that our political dialogue encompasses all aspects of our relations.

4. We remain convinced that the close political and economic ties that exist between the countries of the region, the striking similarity of our histories and cultures and the cooperation and solidarity that unite us are valuable common assets that will help us to strengthen our Latin American community of nations.

5. The challenges we face as the century draws to a close require us to continue to strengthen our Mechanism to enable us to take effective action in the face of our common challenges. Where necessary, we shall therefore review the procedures of the Mechanism, while at the same time maintaining its flexible and informal character and its consensus-based working method.

Democracy and international peace and security

6. We reiterate that the preservation of democratic values in the region is one of the main objectives of the Permanent Mechanism for Consultation and Concerted Political Action. This commitment is based on our conviction that the effectiveness of democratic institutions and promotion of economic and social development are vital to the strengthening of peace and security in the hemisphere and to the promotion of cooperation between States.

7. We are convinced that the implementation of measures to promote trust and security in the hemisphere will over time encourage cooperation in ensuring the transparency of defence policies and that a forward-looking and holistic approach will help to strengthen the institutions and instruments that comprise the system of security in our hemisphere.

8. We reiterate our firm intention to work steadfastly towards the effective limitation of conventional weapons in the region, which will permit us to increase the resources allocated for the economic and social development of our peoples. We therefore support the initiative to convene the ad hoc working group of the Rio Group on the limitation of

conventional weapons so that a recommendation on this subject may be considered at our Thirteenth Summit.

9. We reiterate our support for the mandate contained in the Plan of Action adopted by the Second Summit of the Americas concerning the need to strengthen the Committee on Hemispheric Security of the Organization of American States (OAS) and to organize, early in the next decade, a special conference on security under the auspices of OAS.

10. Latin America and the Caribbean have made significant progress towards the transformation of the region into a zone of peace. In this connection, we welcome the recent political declaration of the countries members of the Southern Common Market (MERCOSUR), Bolivia and Chile as a zone of peace, which was made at the fourteenth meeting of the Common Market Council, held on 24 July 1998 in Ushuaia, Argentina. We stress the importance of this initiative, which helps to strengthen Latin America as a region united by cooperation in which the existence of a climate of peace and security creates a favourable environment for economic prosperity.

11. We also underscore the special contribution to international peace and security made by the Treaty of Tlatelolco, the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal, the Framework Treaty on Democratic Security in Central America, the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials, as well as the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction. We urge those countries which have not yet done so to ratify or accede to the above-mentioned instruments at the earliest possible opportunity.

12. We take note of the initiative of the Government of Bolivia aimed at the establishment of a centre for the prevention of conflicts and the promotion of confidence-building measures.

13. We urge the international community to take immediate steps to achieve a world free of nuclear weapons and other weapons of mass destruction. We reiterate our vigorous condemnation of nuclear-weapons testing and our deep concern over the setback which such tests represent for the achievement of the goal of a complete ban on nuclear tests and the non-proliferation of this type of weapons.

14. In this connection, we urge those countries which have not yet done so to ratify or accede to the Treaty on the Non-Proliferation of Nuclear Weapons and the Comprehensive Nuclear-Test-Ban Treaty and call upon all States to strictly abide by the provisions of these two Treaties. Likewise, we urge States to accede to other international instruments, such as the Joint Declaration on the Complete Prohibition of Chemical and Biological Weapons (Mendoza Accord), the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction and the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction.

Human rights

15. In the year that marks the fiftieth anniversary of the Universal Declaration of Human Rights and of the American Declaration of the Rights and Duties of Man, we declare our belief that the values enshrined in those instruments are an inseparable part of the identity of our societies and reaffirm that strict respect for the rights provided therein constitutes a common standard to be observed by all peoples and all nations. Bearing in mind the Vienna Declaration and Programme of Action (1993 World Conference on Human Rights), we reiterate that the principles of the universality and indivisibility of human rights, democracy

and development are interdependent and mutually reinforcing. We shall therefore continue to promote joint efforts and cooperation with international organizations aimed at ensuring respect for all human rights, including the right to development.

16. To this end, we shall promote the signing and ratification of and accession to international human rights instruments as well as compliance with the provisions contained in those instruments to which we are parties.

17. We reiterate our deep concern for contemporary forms of racial discrimination, xenophobia and similar manifestations of intolerance and welcome the convening by the United Nations of a Conference to be held before the end of the year 2001 to consider these serious problems. We agree on the need to commit ourselves to take action to ensure respect for human rights and fundamental freedoms and to prevent the application of cruel, inhuman or degrading punishment. We also agree on the importance of providing adequate protection for the most vulnerable groups in our societies, particularly ethnic and linguistic minorities, indigenous peoples, women, girls and boys and migrant workers and their families.

18. We stress the responsibility of the States of origin and of destination of migrants to strengthen their cooperation in immigration matters. In that connection, we urge the continued adoption by common agreement of measures to guarantee migrants the full enjoyment of their human rights together with social and economic well-being.

19. We reaffirm the commitment of our Governments to fully respect and comply with the provisions of the 1963 Vienna Convention on Consular Relations and call upon all countries to do likewise, particularly with regard to the right of nationals, regardless of their immigrant status, to communicate with a consular official of their State in case of arrest.

20. We reaffirm our commitment to the fundamental principles and universal norms of international humanitarian law.

Fight against poverty

21. We reaffirm our determination to overcome poverty, malnutrition, marginalization, lack of access to health services, and illiteracy through policies that lead to sustainable economic development in the medium and long term.

22. We pledge to continue the implementation of policies designed to help economic agents, and small and medium-sized enterprises in particular, to create productive jobs at decent wages and to promote education, training and the equipping of the labour force with skills as a key priority for the most vulnerable sectors of our populations.

23. Political and economic progress in our region must go hand in hand with a reduction in social inequalities. We are convinced that the transformation of the production system will be sustainable over time only to the extent that higher levels of equity can be achieved and that the design and implementation of joint projects and programmes in the field of education are necessary and essential instruments for the achievement of that goal.

Sustainable development

24. Poverty reduction is an integral aspect of sustainable development. The benefits of prosperity will be obtained only through policies that take account of the interrelationship between the human person and nature. Policies and programmes aimed at achieving sustainable development must be elaborated with broad participation by civil society, and special attention must be paid to the needs of minorities and of the disadvantaged with a view to facilitating their full participation in the development process.

25. We recognize that many positive results have been achieved at both the global and regional levels, but we remain profoundly concerned because the global trends towards sustainable development have had increasingly serious setbacks as a result of the steady deterioration of the global environment, including the negative trend towards pollution of the environment and degradation of natural resources.

26. We call upon the developed countries, cooperation agencies and international financial institutions to provide increased support to developing countries, especially in the area of the transfer of the technologies and financial resources needed for that purpose, and we urge them to comply with the provisions of chapter 33 of Agenda 21, concerning official development assistance and the use of innovative financing mechanisms.

27. We take note of the initiative of the Caribbean Community (CARICOM) to promote recognition by the international community of the Caribbean Sea as a special area in the context of sustainable development.

28. We recognize that the concept of a new global human order is premised upon people-centred development and places the well-being and social equality of peoples at the centre of development at the national and international levels.

International trade and financial markets

29. The current process of globalization of the world economy has created new opportunities and challenges to the growth and social well-being of our countries. This new international environment is characterized by, *inter alia*, the rapid expansion in international trade and investments; trade liberalization and economic integration; institutional changes at the global level; harmonization of the rules of trade and investment; and the segmentation and internationalization of production systems.

30. Regional experiments with integration in Latin America and the Caribbean have been the response of our countries to the challenges of global competition. The liberalization of trade provided for in the various instruments and processes of integration has resulted in increased productivity and improved terms of participation in world trade.

31. The progress achieved by the Andean Group, the Group of Three, CARICOM, MERCOSUR, the Central American Common Market and other existing or proposed bilateral integration and trade liberalization arrangements in Latin America and the Caribbean represent our contribution to a more open and competitive world order that is consistent with the guidelines laid down by the World Trade Organization (WTO), which complement the multilateral trading system in a way that is mutually reinforcing. Progress towards integration must be viewed as a process of harmonious development of the region as a whole, which benefits all levels of the society, especially through the creation of more and better jobs.

32. We agree with the principles of open regionalism in the framework of the multilateral, free, non-discriminatory and open trading system that will favour the integration of our economies into the international economic system. In this context, we urge WTO member countries to fulfil the agreements reached during the Uruguay Round of the General Agreement on Tariffs and Trade (GATT) in order to improve the multilateral trading system, which will facilitate the flow of trade within the region and with other countries.

33. Trade and global markets are among our best allies in our efforts to create jobs, promote investment, increase national competitiveness and absorb know-how and technology. The export sector has become one of the most dynamic sectors of our economies

and a fundamental source of jobs. In some cases, export companies have seen a more rapid growth than those producing solely for the domestic market or those in the service sector.

34. The system adopted by over 120 nations in the framework of WTO promotes the holding of extensive, comprehensive negotiations as the best tool for attaining wider trade liberalization that will bring benefits to all members.

WTO also has the challenge of facing recent protectionist trends, especially agricultural subsidies or the use of countervailing duties to protect obsolete industries or to raise obstacles to the region's products on the pretext of ensuring better protection of the environment and labour rights.

35. We are concerned at the situation in the financial markets and its commercial and financial impact on the economies of the region, and we reaffirm the need to mobilize the relevant national and international mechanisms to deal with the situation.

36. We are pleased that talks are being held on a Free Trade Area of the Americas (FTAA), and we reiterate our commitment to the completion of these talks by 2005 and to the attainment of definite goals by the end of this century.

37. We take note of the CARICOM proposal to establish a Regional Integration Fund within FTAA as a mechanism for correcting current imbalances among the more developed countries and those with smaller economies in the hemisphere.

Latin American and Caribbean – European Union Summit Meeting

38. We highlight the major role of the institutionalized dialogue between the Rio Group and the European Union in maintaining and reinforcing the excellent understanding that has prevailed between the two regions in the eight years since its inception.

39. The Summit of Heads of State and Government of Latin America and the Caribbean and the European Union, to be held in Rio de Janeiro, Brazil, jointly presided over in Latin America and the Caribbean by Brazil, the host country, and Mexico, the *pro tempore* secretariat, represents a significant opportunity to make a qualitative advance at the highest political level in the consolidation of a new, privileged biregional association for our mutual benefit.

We ratify our commitment to participate in the Summit, firmly convinced that it represents a unique occasion to encourage the accomplishment of important national and regional objectives and to consolidate a more balanced, peaceful and cooperative relationship with a view to the twenty-first century. We therefore support the work of the Preparatory Committee established for this purpose.

40. In the framework of the three main items on the agenda – political, economic/trade and cultural/educational/humanitarian matters – our Governments will make proposals based on the values and interests shared by both regions. In the political field, the Summit provides the opportunity to raise the level of dialogue and to share views on the enhancement of democracy and pluralism, the promotion of human rights and the fostering of sustainable development, together with other items on the international agenda of common interest, such as security and the fight against drug trafficking and related crimes.

41. We shall also promote an open, candid dialogue with European Union leaders on biregional economic relations, in order to give a decided thrust to ongoing trade negotiations and promote access to markets and investments. We shall also discuss other topics of special relevance, such as international financial flows and the coordination and convergence of economic integration arrangements in order to develop a common understanding of the significant processes and problems that are affecting our economies.

42. We shall especially encourage taking advantage of the huge cooperation potential in the two regions, particularly in the educational, cultural, technological and scientific fields, for the benefit of our people. The Summit is an exceptional opportunity to identify mechanisms to enable us to reach these objectives. As for women's issues, we shall also promote the exchange of experience and the definition of cooperation programmes that will allow us to move ahead in this field.

43. We agree to follow up the agreements and programmes ensuing from the Latin American and Caribbean-European Union Summit Meeting through the institutionalized dialogue between the Rio Group and the European Union and, where appropriate, through other existing institutionalized dialogues between the two regions.

Summit of the Americas

44. We are pleased to see the progress that has been made in Latin American and Caribbean integration. Integration should not be regarded as an instrument that is limited to promoting increased trade, but as a process of harmonious development for the benefit of all levels of society.

45. The Second Summit of the Americas, held in Santiago, Chile, was an event of fundamental importance in which the agenda of the Americas for the next few years was defined. Both the Political Declaration of the Heads of State and Government signed on that occasion and the Plan of Action are high-priority documents, marking a milestone in the hemispheric integration and cooperation process. We reiterate our firm commitment to the implementation and follow-up of the aforementioned instruments, especially the Plan of Action, and we assign the highest priority to its development and to compliance with it.

46. Likewise, within the context of the agreements reached at the Second Summit of the Americas, we express our firm intention to continue strengthening hemispheric institutions, especially through the Organization of American States.

Unilateral measures

47. We support the Declaration adopted at the Eleventh Summit of the Rio Group held in Asunción, in which we expressed our forceful rejection of unilateral and extraterritorial national measures, since they are actions that violate the fundamental principles of law and international coexistence and have a negative impact on cooperation, trade and investment in our countries. These measures include the Helms-Burton Act, recent additional initiatives to expand its reach and certification processes in the effort to combat drug trafficking.

48. We again ratify our firm willingness to maintain a constructive dialogue on this subject and to continue reaching agreements in regional and international forums. Likewise, we are committed to the strengthening of multilateral efforts, aware that extensive, democratic participation in them will uphold the principle of shared responsibility as the criterion for dealing with world problems and strengthening fairness and transparency in international relations.

Joint action to counter the problem of illegal drugs and related crimes

49. The abuse and illegal trafficking of drugs and narcotics and related crimes are a world problem. Actions to prevent, control and punish them are a joint and shared responsibility which requires an integral and balanced focus of efforts together with both national and international strategies. We acknowledge that the pillar of such actions is the concerted effort and cooperation of States.

50. In this regard, we reiterate our firm commitment and political will to seek every means to allow for the full implementation and execution of the tasks and commitments agreed on by our countries during the recent special session in New York of the United Nations General Assembly devoted to countering the world drug problem.

51. We underscore the importance of alternative development and the necessary promotion of socio-economic options for communities adversely affected by illegal crops. In this regard, we acknowledge as fundamental the international community's support for programmes to enable us to make progress in this area.

52. We have instructed our competent authorities, in the spirit of the commitment made at the Second Summit of the Americas and in compliance with the strategy agreed on by the Inter-American Drug Abuse Control Commission, to ensure that we forge an alliance against illegal drugs aimed at establishing a single, objective procedure for multilateral government assessment to follow up the individual and collective progress of all countries involved in the hemispheric effort to deal with the various manifestations of the problem.

53. We express our satisfaction at the holding of the first summit meeting between the Latin American and Caribbean States and the European Union and welcome the establishment of the Mechanism of Coordination and Cooperation against Illegal Drugs established at that meeting.

In this regard, we take note that during the first Special Summit of the Caribbean Forum of the ACP States (CARIFORUM), held in the Dominican Republic in August 1998, the heads of State and Government firmly endorsed the Mechanism and agreed that all CARIFORUM States should participate in it.

54. We express our strongest rejection, in relation to criminal manifestations of the drug problem, of undercover operations which infringe the laws and regulations of third countries as a violation of national sovereignty and of the principle of non-intervention.

Terrorism

55. In reiterating our condemnation of terrorism, which is a threat to peace and security and undermines the full exercise of social and individual rights, we express our repudiation of the recent criminal acts against diplomatic missions in Kenya and the United Republic of Tanzania.

In this regard, we are convinced that any international action to prevent and suppress terrorism should be carried out in full and total compliance with international law.

56. We reaffirm the importance of strengthening solidarity and cooperation to prevent, combat and eradicate terrorism through an increased, sustained promotion of bilateral and multilateral measures, with full respect for the sovereignty and jurisdiction of each State and due observance of the provisions of relevant international instruments.

In that regard, we express our firm will to take the necessary steps as agreed in the Lima Declaration and Plan of Action, and we highlight the importance of the Second Specialized Inter-American Conference, to be held in the Argentine Republic.

The year 2000 computer problem

57. The dawn of the third millennium will bring a change in the digits of dates stored in computer systems, a fact that may have grave consequences in view of the heavy interdependence of information systems.

Accordingly, we support the adoption of measures to prevent and overcome this problem, especially in relation to systems under our own control, thereby creating the conditions to ensure the basic operational capacity of national systems and promoting and supporting relevant actions in the private sector. We will encourage the exchange of know-how and experience to reduce risks and enhance savings in this effort.

* * *

58. We agree to hold the Thirteenth Summit of Heads of State and Government in Mexico in 1999.

59. We, the heads of State and Government meeting in Panama City, express our appreciation and congratulations to the President of the Republic of Panama, Ernesto Pérez Balladares, his Government and the Panamanian people for their hospitality, and for the excellent organization and operation of the Twelfth Summit of the Permanent Mechanism for Consultation and Concerted Political Action (Rio Group).

We also share the joy of the Panamanian people and Government at the progress made in the process of reversion of the Panama Canal from the United States Government to the Republic of Panama. We agree that its imminent completion will crown the historic efforts of the peoples and Governments of Latin America and the Caribbean to affirm the sovereignty of the Panamanian people over this interoceanic waterway.

SIGNED at Panama City on 5 September 1998.

(*Signed*) Hugo **Bánzer Suárez**
President of Bolivia

(*Signed*) Eduardo **Frei Ruiz-Tagle**
President of Chile

(*Signed*) Andrés **Pastrana Arango**
President of Colombia

(*Signed*) Jamil **Mahuad Witt**
President of Ecuador

(*Signed*) Janet **Jagan**
President of Guyana

(*Signed*) Ernesto **Zedillo Ponce de León**
President of Mexico

(*Signed*) Ernesto **Pérez Balladares**
President of Panama

(*Signed*) Raúl **Cubás**
President of Paraguay

(*Signed*) Alberto **Fujimori**
President of Peru

(*Signed*) Rafael **Caldera**
President of Venezuela

(*Signed*) Marco **Maciel**
Vice-President of Brazil

(*Signed*) Guido **Di Tella**
Minister for Foreign Affairs of Argentina

(*Signed*) Didier **Opertti Badán**
Minister for Foreign Affairs of Uruguay

Declaration of the Heads of State and Government of the Rio Group

In view of the recent events that have shaken the international financial markets and whose causes lie outside our region, the heads of State and Government of the Rio Group state:

1. After a decade of structural reforms, the Latin American economies are showing clear signs of strength, as was recognized at the recent meeting of Latin American, United States and Canadian ministers of economic affairs and finance, together with governors and presidents of central banks, with the international financial institutions;

2. Based on the interest of each country and on our common interest, we reaffirm our commitment to continue managing in a responsible manner the economic policy tools that are designed to ensure stability and growth;

3. We are concerned at the possibility that the international financial crisis will continue to worsen, to the point where it could entail the risk of a world recession, which would have a highly negative impact on the economy of the region;

4. We call on the countries in which the international financial crisis originated to take the necessary steps to correct their imbalances;

5. It is essential that the Group of Seven industrialized countries immediately take the necessary steps to restore stability in financial markets and ensure the growth of the world economy;

6. We call on the international financial institutions to become involved more quickly and effectively in solving the international financial crisis;

7. We trust that the adoption of appropriate economic policies and the resolute participation of the developed countries and international financial institutions will overcome the current economic crisis.

Panama City, 5 September 1998

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Fifty-third session
Agenda item 110 (c)
Human rights questions: human rights situations and reports of the special rapporteurs and representatives

Situation of human rights in Burundi

Note by the Secretary-General

The Secretary-General has the honour to transmit to members of the General Assembly a brief interim report on the human rights situation in Burundi prepared by Mr. Paulo Sérgio Pinheiro, Special Rapporteur of the Commission on Human Rights, pursuant to Commission on Human Rights resolution 1998/82 of 24 April 1998 and Economic and Social Council decision 1998/274.

98-30397 (E) 291098

Annex

Interim report on the human rights situation in Burundi submitted by the Special Rapporteur of the Commission on Human Rights, pursuant to Economic and Social Council decision 1998/274

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I. Introduction

1. Pursuant to Commission on Human Rights resolution 1998/82, adopted on 24 April 1998 at its fifty-fourth session, the Special Rapporteur on the situation of human rights in Burundi is submitting to the General Assembly his third interim report, covering the period from 1 May to 15 September 1998 and describing the impressions received by the Special Rapporteur during his fifth visit to Burundi, from 21 August to 4 September 1998. The Special Rapporteur undertook his visit to Burundi after the Government had agreed on 31 July 1998 to his request of 17 July 1998 to visit the country.

2. The period covered by the present report was characterized by political developments, at both the national and the international level, that contributed to the promotion of peace and national reconciliation and to progress towards a solution to the Burundi crisis. The fifth visit of the Special Rapporteur occurred two months after President Pierre Buyoya and the President of the National Assembly reached an agreement on the political platform of the transition regime, for which a transitional constitution was adopted and a new Cabinet was appointed, with two new vice-presidents.

3. During his most recent stay in Burundi, the Special Rapporteur had talks with the highest political, administrative, judicial, military and religious authorities of the country, as well as with members of diplomatic missions accredited to Burundi and representatives of the United Nations system. He also held discussions with the Special Representative a.i. of the Secretary-General of the Organization of African Unity (OAU) and with a number of representatives of non-governmental associations engaged in the promotion of the status of women and of the protection of the rights of children. He also met with representatives of political parties and the local and international press.

4. The Special Rapporteur emphasizes yet again the outstanding commitment that the agencies of the United Nations system in Burundi daily demonstrate in assisting the victims of the crisis in often-difficult working and security conditions. He expresses his warmest thanks to the Director of the Office of the High Commissioner for Human Rights and his entire staff for the meticulous arrangements made for his mission, the cordial welcome extended to him, the logistical support provided to him and the smooth operation of his mission.

5. The Special Rapporteur wishes to commend the team of human rights officers deployed in Burundi for their courage and dynamism. He would like to thank the United Nations Development Programme (UNDP) and the World Food Programme (WFP) for their cooperation during the organization of his visits to various provinces of the country.

6. The visit of the Special Rapporteur was cut short after he broke his arm in a car accident on 31 August 1998 when he was returning from a visit to Kayanza province. Consequently, he was obliged to leave Burundi the following day, four days earlier than scheduled. After the car crash, the Special Rapporteur received medical treatment at the military hospital in Bujumbura and he was evacuated through Nairobi to Geneva, Switzerland, where he underwent a surgical operation on 2 September 1998.

7. The Special Rapporteur would like to thank the medical team at the military hospital in Bujumbura and Professor Sangaré Djibril, Special Representative a.i. of the Secretary-General of the OAU, for the medical care received when he was admitted to that hospital after the accident, and for the prompt action taken by the heads of United Nations agencies to facilitate his medical evacuation from Burundi. The Special Rapporteur would like to thank UNDP Offices in Bujumbura and Nairobi for their most instrumental assistance. He is particularly grateful to Dr. Bamory Konate, who accompanied him during his whole evacuation from Bujumbura to Geneva. He would like to thank all the kind messages received after the accident while in Burundi and Geneva.

8. The Special Rapporteur received a copy of a letter dated 5 May 1998 from the Permanent Representative of the United Republic of Tanzania to the United Nations addressed to the Chairman of the Commission on Human Rights at its fifty-fourth session. He takes note of the comments expressed in that document concerning his analysis of the impact of economic sanctions imposed on Burundi in his two previous reports.

9. The Special Rapporteur describes recent developments in the Burundi crisis in section I of the present report, reviews the current situation of human rights, especially the conditions of detention and life of the most vulnerable groups, in section II, and presents his observations and recommendations in section III.

II. Recent developments in the Burundi crisis

A. Major political developments: evolution of the Burundi conflict since the establishment of the Partenariat interne pour la paix

10. On 4 June 1998, the Burundian National Assembly marked the closing of its current session by approving a transitional document merging the 1993 constitution and a series of the decrees that were issued after the *coup d'état* that brought President Buyoya to power in July 1996.

11. The document formalizes changes such as the new partnership between the National Assembly and the Government, a general reduction in the size of the Government, the creation of two vice-presidential posts in lieu of a prime minister and an overall increase in the size of the National Assembly from 81 to 121 members to include representatives from 12 new political parties and 28 representatives from civil society, to be selected by President Buyoya in consultation with the President of the National Assembly. The new parties include members from the Guarantor of the Voice of Burundi (Inkinzo), Intwaru, the Party for People's Reconciliation (PRP), the People's Party (PP), the Rally for Democracy and Economic and Social Development (Raddes), the Social Democratic Party (PSD) and the Worker's Independent Party (PIT). Abasa, Anadde, Parena and the breakaway Union pour le progrès national (UPRONA) faction of Mr. Mukasi did not send delegates. As a result of the consultations undertaken, 117 of the planned 121 seats have been filled.

12. A new form of power-sharing is beginning, with the appointment of a member of the FRODEBU parliamentary group as one of two vice-presidents, and a new cabinet has been appointed, with a more balanced representation of the two main communities in the country.

13. The second round of talks that started in Arusha on 20 July 1998 came to an end on 29 July 1998. Participants discussed procedural rules and held a debate on the root causes of the conflict in Burundi. It was agreed that the next round of talks would take place on 12 October 1998 when commissions would be set up to discuss specific issues such as democracy, good governance and security in greater depth.

14. On 27 and 28 August 1998, the Government of Burundi organized a two-day meeting in Bujumbura, to discuss how the internal peace process could be reinforced. Members of the Government and the National Assembly attended the meeting. Particular issues addressed included the role of the transitional institutions, the new political platform and the strengthening of the internal dialogue. Issues such as democracy, genocide, the justice system, internal security and the problem of displacement were touched upon as well.

15. On 9 September, the Government of Burundi organized a series of talks at the provincial level aimed at promoting a continued internal dialogue to reinforce the peace process within the country. During the debates in the province of Bururi, the importance of the partnership between the National Assembly, the Government, the political parties and the members of civil society was emphasized. The need for a common political platform and transitional institutions as well as the creation of four commissions to discuss themes such as democracy, genocide, justice and impunity was acknowledged. In the province of Gitega, the local provincial authorities highlighted other relevant issues such as refugees, security and social and economic matters.

16. At the beginning of September 1998, a delegation from the Julius Nyerere Foundation visited Bujumbura to prepare the meeting scheduled to take place in Arusha in mid-October. Discussions were held with representatives from the Government and political parties to discuss the creation of committees that would provide the framework for conducting the external peace talks. Agreement was reached on the composition and leadership of the committees that would deal with the nature of the conflict, democracy and good governance, peace and security, development and reconstruction, and the implementation of future peace agreements.

B. Main findings of the Special Rapporteur

17. During his stay in Burundi, the Special Rapporteur travelled widely in several provinces of the country, especially in Makamba, Cibitoke, Karuzi and Kayanza, situated respectively in the south, north-west and north-east of the country. In each of those provinces the Special Rapporteur met with the governor, judges, military and police commanders and officers-in-charge of social community facilities. He visited sites of internally displaced persons as well as detention centres. During those visits, he was able to assess the extent to which the conditions of life and the situation of the population differ from one province to another.

18. In the provinces of Cibitoke and Makamba, the Special Rapporteur was able to see that the infrastructures of those

sites continue to be rather precarious. The political situation is still very tense, particularly in Nyanza Lac, south of Bujumbura, reachable by a road often exposed to rebel attacks. In the province of Karuzi, the Special Rapporteur visited the police detention centre and a hospital.

19. In the province of Kayanza, at the end of July and the beginning of August 1998, there occurred several security incidents said to have been committed by large groups of 1,000 to 2,000 well-armed rebels. Those incidents allegedly have led to the displacement of about 30,000 people in the province. But despite the attacks in August 1998, economic life has recovered and markets are well frequented. The Special Rapporteur visited some of the sites and several police and brigade *cachots* (prisons) in the province.

20. During his visit, the Special Rapporteur noted that the situation in Cibitoke had considerably improved over the past six months, thus enabling relief organizations to provide assistance to the refugees in a relatively efficient and unhindered manner. The vast majority of the formerly displaced were able to return to their homes as a result of important reconstruction programmes undertaken by the Burundian authorities. Large parts of the population were able to devote themselves to their normal activities. Signs of reconstruction were evident along the main roads, with homes being rebuilt and land being cultivated again.

21. Following the outbreak on 2 August 1998 of the conflict in the neighbouring Democratic Republic of the Congo, groups of refugees consisting of Congolese, Banyamulenge and Burundians living in Kivu sought sanctuary in Burundi. Most of them crossed the Ruzizi River into the province of Cibitoke. By mid-September 1998, refugees were still arriving, their number already exceeding 6,000. Relief agencies in cooperation with the Burundian authorities provided them with humanitarian assistance. The Special Rapporteur visited sites in Rugombo and Cibitoke, each capable of holding over 1,000 people.

22. During the visit of the Special Rapporteur and in September 1998, Burundi was facing a shortage of fuel arising from the disruption of the imports from the Democratic Republic of the Congo. The lack of fuel was hampering food distribution and jeopardized also the seed distribution programme. It was vital that the seeds should be distributed in time for the current planting season which lasted until mid-October 1998. The border between Burundi and the Democratic Republic of the Congo was reopened on the morning of 1 September 1998. It had been closed since the outbreak of hostilities in Kivu.

23. The Special Rapporteur was very pleased to know that the Office of the United Nations High Commissioner for Refugees in Burundi has strengthened its offices in Ngozi and Gitega, with the assignment of six international staff to those posts. The Office has increased its presence in those provinces to facilitate its work, which includes carrying out investigations into human rights violations, visits to detention centres and prisons and activities concerning the monitoring and promotion of human rights. The Ngozi office will also cover Kirundo, Kayanza and Muyinga, while the Gitega office will cover Cankuzo, Karuzi and Gitega. The current political climate seems to be most favourable to enabling the three components of the work of the Office, namely the observation mission, the technical cooperation activities and the legal assistance programme, to continue to play valuable roles.

III. Current human rights situation

24. Without seeking to be exhaustive in the present interim report, the Special Rapporteur would nevertheless like to bring to the attention of the General Assembly a number of allegations of human rights violations transmitted to him during the period under consideration, particularly as regards the right to life and physical integrity, arrests and arbitrary detentions and torture or cruel, inhuman or degrading treatment.

A. Security incidents

25. From the information collected during his mission, the Special Rapporteur considers that the most serious human rights violations continue to take place during attacks against the civilian population and killings in the course of military operations or rebel attacks or following clashes between the army and rebels in the western provinces.

26. Since 21 June 1998, when 17 parties to the Burundian conflict signed a joint declaration in Arusha calling for a suspension of hostilities by 20 July 1998, when the second round of talks was due to begin, the security situation has been marked by several incidents. Over the first weeks of July there were reports of renewed clashes in Bubanza, Kayanza and Kirundo, while fighting in the troubled southern provinces of Bururi and Makamba escalated significantly. The Makamba-Nyanza Lac main coast road (RN3) from Bujumbura was closed to relief agencies for several days.

27. The provinces of Rural Bujumbura and Bubanza remained unstable at the end of July, while attacks also took place in the formerly calmer provinces of Kayanza and

Muramvya. On 27 July 1998, an attack took place on Musema in Kayanza, during which the health centre was pillaged and the hospital damaged. About 70 beneficiaries who were being treated were forced to flee, while approximately 10 of the older, weaker beneficiaries were left behind. Further incidents occurred in the days that followed, during which houses and coffee plantations were burned and populations fled towards and into Ngozi.

28. At the end of July, in Rural Bujumbura province, 3,000 people had been displaced as a result of clashes between the army and rebels just south of Bujumbura, and local residents in the commune of Mutambu indicated that 20 people had been killed. The rebels reportedly belonged to the Forces nationales de libération (FNL), the armed wing of the Parti pour la libération du peuple hutu (PALIPEHUTU), and according to government sources, they were trying to destabilize the situation and make their presence known while the negotiations were under way in Arusha. The displaced people gathered in government-protected areas while the fighting continued. There were reports from humanitarian non-governmental organizations that some 2,000 people had fled after a rebel attack in the commune of Mutambu, and three or four FNL groups were said to be carrying out attacks in the area.

29. At the end of July 1998, an Italian expert in famine relief working for WFP, with more than 25 years of experience in Africa, was ambushed, robbed and shot in his house.

30. In Kabesi, in the province of Rural Bujumbura, on the very day of the arrival of the Special Rapporteur, a therapeutic feeding centre, built by the Italian "Gruppo de Voluntariato Civile" (GVC) to host around 200 severely malnourished children, was torched and completely destroyed by arsonists a few days before its scheduled inauguration on 1 September 1998. The destruction, attested by the Special Rapporteur during his visit and attributed to rebel groups, was inflicted despite a military position located less than 200 metres from the new feeding centre. In consequence, GVC announced the indefinite suspension of its health and nutrition activities in Rural Bujumbura pending an official investigation and security guarantees.

31. The Special Rapporteur has received several allegations of retaliation by elements of the armed forces vis-à-vis families whose relatives are involved with rebel groups. Several relatives were beaten and their plantations and houses were burned. After the confrontations or military operations, the military closed the areas to access by non-governmental organizations and human rights observers. The Special Rapporteur received allegations that during the incidents, civilians were obliged to crawl into holes filled with water and to spend the night there.

B. Situation of internally displaced persons, regrouped populations and refugees

32. After five years of war, Burundi has the largest internally displaced and regrouped populations of any country in the region of the Great Lakes. Over 500,000 people, roughly 11 per cent of the population of the country are currently squatting in camps and makeshift sites, the vast majority of them in the western provinces of Cibitoke, Bubanza, Rural Bujumbura, Bururi and Makamba (see appendix I).

33. While the situation in Karuzi, Kayanza and Muramvya has steadily improved, the western provinces of Cibitoke, Bubanza, Rural Bujumbura, Bururi and Makamba remain unstable. Those provinces are bordered to the north by Rwanda and the Nyungwe forest, to the west by Kivu and Lake Tanganyika, and to the south by the United Republic of Tanzania, all of which are potential or actual sources of unrest. To the east is the Nile-Congo watershed, a monotonous ridge that bisects Burundi from south to north (where it coincides with the Kibira forest). That region is the main thoroughfare into and out of the country for the rebels, and its proximity explains the ongoing instability in those provinces and the sporadic but continued emergence of thousands of peasant populations who flee or are driven from rebel-controlled areas. Owing to the fluid situation in those conflict-affected provinces, it is extremely difficult to determine and track the number of regrouped populations per se with any precision.

34. The displaced population in Cibitoke province at its peak numbered 100,000 living in camps. In the case of the western communes of Rugombo and Mugina and particularly Buganda, the sites tended to be concentrated along the main tarmac road, RN5. From around May/June 1997, the displaced from Rugombo and Mugina communes began to return home, while at the end of the year, in Mabayi, Bukinanayana and Murwi, the authorities began to establish advanced military posts, around which smaller sites housing the people from neighbouring hills were established.

35. The authorities have recently begun to implement the same policy pursued in Cibitoke, dismantling the larger sites on the RN9 road and moving people to new, smaller sites grouped around advanced military posts. The rationale of the authorities is that security conditions do not yet permit

permanent reinstallation, and that the new sites are at least bringing people closer to their hills of origin.

36. In Rural Bujumbura province, precise information is difficult to obtain since the situation is extremely fluid and much of the province has remained off limits during the sustained period of rebel activity heralded by the airport attack of 1 January 1998. Moreover, the threat posed by landmines is particularly acute in that part of Burundi. The communes of Mubimbi, Isale and Mugongo Manga (in essence, the *collines* overlooking the capital to the east) have been particularly affected. The province currently has an estimated total of around 70,000 displaced persons living in various sites.

37. The 35,000 displaced persons in the province of Makamba are almost exclusively confined to the communes of Vugizo and Nyanza Lac, where the Special Rapporteur visited three sites. The latter commune, on the lakeside, is the southernmost commune of the country and the main point of entry and exit for rebel groups operating out of the United Republic of Tanzania. Like Bururi, Makamba remained stable, and hence relatively unaffected by population movements, until early 1997, when, in a repeat of the pattern seen in the other western provinces, displaced people from the mountainous areas began to congregate in new sites along the lakeside tarmac road (RN3).

38. The general trend that can now be discerned to varying degrees in all the provinces is the gradual dismantlement of the larger camps of regrouped and displaced persons and the installation of smaller, decentralized sites grouping people from the neighbouring hills around advanced military posts, with a view to their returning home for good in the medium term. Such a strategy allows the military to regain control of the territory and retain control of the population, while at the same time providing the population with greater protection and enabling the people to cultivate their fields during the day. The policy is at different stages of the implementation cycle in the various provinces, ranging from Cibitoke, where a large proportion of the displaced population is returning to their hills of origin, to Rural Bujumbura, where regroupement seems to be still in process.

39. During the first weeks of September, over 6,000 people have arrived in the north-western Cibitoke region of Burundi, fleeing fighting in the Democratic Republic of the Congo, according to official reports. Among them were 1,729 Burundians who were returning home. Most of the new arrivals were staying in temporary sites. That number reportedly included 42 per cent of children aged between 5 and 14, 23 per cent of children under 5 years of age, a further 24 per cent of women and the remaining 11 per cent of men. The number of unaccompanied children in Burundi could now be as high as 3,000.

C. Pre-trial detention and conditions of detention

40. During his visit, the Special Rapporteur observed a clear degradation of conditions of detention in Burundi, in consequence of the overcrowding and the lack of financial and human resources allocated to the prison administration. He also benefited from the extremely valuable observations made by the Office of the United Nations High Commissioner for Refugees during its missions to Bubanza, Kabezi, Makamba and Rumonge to inspect prisons and investigate human rights violations.

41. The official prison population on 27 August 1998 was estimated at 9,365, with a peak level of 9,700 detainees recorded in February 1998, a growth of 3,100 since December 1996 (see appendix II). During the period from February to June 1998, there was a decrease in the prison population as a result of measures taken by the Ministry of Justice. During the summer, the female population in the prisons was estimated at about 300. It is rather difficult to evaluate with precision the number of minors under 13 years of age in detention, who may number less than 100, according to official figures. The persons detained in the *cachots* are still believed to number several thousands.

42. The prison system in Burundi comprises 11 detention centres located in Bubanza, Bujumbura (Mpimba), Bururi, Gitega, Muyinga, Muramvya, Ngozi (two establishments, one for men and another for women), Rumonge, Rutana and Ruyigi. In addition to those prisons, there are other detention centres called *cachots*, located in police precincts and in brigade barracks and connected to the *parquets* (offices of the public prosecutor) and the administrative authorities of communes and zones. There are also non-official detention areas within military positions. Almost all those in charge of the detention centres and *cachots*, including the 600 agents working on the premises, are military or police personnel. There is only one woman directing the women's prison in Ngozi.

43. In most of the prisons, hygienic and sanitation conditions are disastrous, and when combined with overpopulation, they provoke a high level of mortality among detainees, especially in the prisons of Bujumbura, Gitega, Muramvya, Ngozi and Rutana. Severe malnutrition and other pathologies affect the majority of the prison inmates, who are weak and subject to a high mortality rate.

During the first six months of 1998, the prisons of Gitega, Muyinga and Ngozi had alarming mortality rates.

44. During the period from 1 January to 28 April 1998 alone, there were 229 deaths in the prison of Ngozi and 53 in the prison of Muyinga. During May and June 1998, the number of deaths in detention decreased in the country as a whole, but remained relatively high in Ngozi (37 deaths in May).

45. The *cachots* visited by the Special Rapporteur in the provinces of Kayanza and Karuzi were equally overcrowded. Dozens of inmates were living in dreadful, inhumane and cruel conditions in tiny cells without air, light or toilets. For instance, in one *cachot*, visited in Karuzi, there were 30 prisoners in a small cell measuring roughly 3.5 metres by 2 metres. They could barely sit, and were obliged to move around the cell so that the Special Rapporteur could measure its dimensions.

46. The Special Rapporteur was informed that the nutrition of the inmates in the *cachots* was entirely left to the responsibility of their families, most of which are unable to feed their detained relatives. Many inmates become completely dependent on the food received by others.

47. Many irregularities occur during detention. Most of the inmates have not been tried in a court of law, and several cases have been summarily decided in violation of several international conventions ratified by the Government of Burundi.*

48. The Special Rapporteur received several allegations of torture of people detained in *cachots* in Bujumbura or in the provinces, and during individual interviews, he was able to see signs of torture on the bodies of some inmates. Most of the allegations referred to torture committed during interrogation and preliminary investigations by the Judiciary Police to extract confessions. The Special Rapporteur also received complaints of ill-treatment during detention. Verbal intimidation is allegedly also coupled with physical violence inflicted by sticks, whips, electric cables or iron bars, involving blows to the body and particularly to the feet and hands. The presumed authors of those acts are usually identified as members of the Judiciary Police or as agents in charge of the *cachots* (gendarmes, military personnel or policemen).

49. The Special Rapporteur is very much concerned about the conditions of imprisonment of the at least 260 detainees under sentence of death at Mpimba prison in Bujumbura, more than twice the number indicated during his previous visit in December 1997. The prisoners are all kept together in just two cells under inhumane conditions without the possibility of leaving them at any time. The Special Rapporteur had the opportunity to raise the matter during his interview with the Minister of Justice, requesting him to consider ways to improve the conditions of detention so that the prisoners may have access to more humane treatment.

D. Living conditions of women and children

50. From 1990 to 1997 the poverty rate increased from 35 to 58 per cent in rural areas and from 32 to 66 per cent in urban areas of Burundi. The crisis and the war have worsened all the indicators of human poverty: the rate of child mortality per 1,000 live births passed from 111 in 1992 to 136 in 1996; primary school attendance declined from 51 per cent in 1992 to 35 per cent in 1996/97. Although vaccination coverage rates climbed rapidly from 1987 to 1992, vaccinations have fallen since 1993. Among the reasons for the dramatic decline is the lack of petrol needed to organize vaccination campaigns. Moreover, the crisis has had a marked effect on education services. Since the current crisis began, more than one third of the schools in the country have been damaged or destroyed. With the war and the embargo and the increase in the cost or the unavailability of needed materials, reconstruction has become more difficult, despite many efforts by the Burundian authorities.

51. According to the last census of August 1990, women make up 51.3 per cent of the population of Burundi, and they are essentially located in rural areas where 93.7 per cent of the total population live. The women work on average 18 hours a day for their families, half at home and half in the fields.[1]

52. Burundian women have been seriously affected by the crisis and the civil war. They constitute the majority of those found at the sites of displaced persons and regrouped populations and are the sole heads of their households. Before the crisis, women formed a large part of the workforce in rural areas which underwent a sharp decline during the war.

53. At sites of displaced persons and regrouped populations, the difficult access to food and water is the main problem, especially for women and children. The quantity of food is insufficient and its quality mediocre, maize being the main item of nutrition. Because of food

* On the reform of the judiciary, see Neil J. Kritz, "The problem of impunity and judicial reform in Burundi", paper presented at the Conference on Burundi, held in Washington D.C. in 1996 under the auspices of the United States Institute of Peace.

scarcity, the women make great sacrifices on behalf of their children who are in very precarious health. Women are often most vulnerable while engaged in their daily tasks, such as gathering firewood. In most camps, women must venture beyond the camp perimeters, sometimes walking several kilometres, to collect wood for their cooking fires. Exposed and helpless, they may be subjected to brutal sexual assault and rape. Often the victims are mercilessly shot, knifed or beaten.

54. Women at the sites are also affected by other health problems, including those relating to childbirth, abortions, anaemia and the lack of vaccination coverage and access to health care, as well as exposure to AIDS and other sexually transmissible diseases. The living conditions of women and children have therefore become highly precarious. In Burundi, women represented 50.6 per cent of the registered cases of persons tested as seropositive during surveys in 1995. The number of orphans with AIDS was estimated at 94,000 in 1997.

IV. Observations and recommendations

A. Observations

55. The Special Rapporteur acknowledges the important efforts deployed by the Burundian authorities to promote the peace process in the framework of the negotiations in Arusha, despite the problems crippling the Great Lakes region and the populations' movements occurring on the north-eastern frontier of the country.

56. Several recent initiatives seeking to implement a power-sharing arrangement among the Government, the political parties, the National Assembly and civil society helped to reduce the antagonisms between the various parties to the Burundi conflict. Those initiatives contributed to the building of a minimum level of trust between the parties determined to strengthen and consolidate the internal peace process. Both the Government and the National Assembly gave several indications that they had taken a "strategic decision to change things".[2]

57. However, the peace process faces a number of obstacles. The implementation of changes has generated favourable reactions among certain political parties and hostility among others and within factions of the main rebel organization, the Conseil National pour la Défense de la Démocratie. In addition, for the time being, none of the positions in the current Government is the result of a proper democratic election.

58. The Special Rapporteur is of the view that the above-mentioned changes must be regarded as a provisional structure within the framework of a process of transition towards democracy and as creating a favourable environment for the outcome of the meeting that was to be held in Arusha by mid-October 1998.

59. However, despite efforts carried out by the Government to inform the population in the provinces about the institutional changes, the majority of the people has not yet experienced a real decline in tension among local civilian or military authorities at the communal level.

60. The Special Rapporteur pays tribute to the efforts of the Ministry for Human Rights, Institutional Reform and Relations with the National Assembly to promote human rights with the participation of civil society. The Ministry is organizing meetings with local leaders and peasants to enable them to monitor human rights abuses in their own communities, with the help of printed material and posters.

61. The Special Rapporteur continues to be concerned about the lack of progress in the trial of military personnel accused of having been involved in the attempted *coup d'état* in 1993 and in the assassination of President Ndadaye. There were allegations of intimidation of witnesses such as commander Joseph Rugigana, who was the target of two attacks on his life in July 1998. In fact, only the lower military ranks continue to be the subject of the most serious accusations, while high ranking officials are being prosecuted for minor offences only.

62. The Special Rapporteur acknowledges that the Fourth Arusha Regional Summit on the Burundi conflict, which met in the United Republic of Tanzania on 16 April 1997, decided to expand "the easing of sanctions to include all food and food products, all items relating to education and construction materials, as well as all types of medicines, and all agricultural items and inputs in order to alleviate the suffering of the people of Burundi".[3] In addition, amounts of fuel have been allowed in for use by humanitarian agencies to meet the humanitarian needs of the people. The countries of the region have expressed their unequivocal position that once dialogue takes root, even the fuel embargo should be lifted.

63. The Special Rapporteur notes that in the aftermath of the six regional summits held so far, a selective regime of sanctions is currently in place in Burundi. As indicated in the statement of the First Deputy Prime Minister and Minister of Foreign Affairs of Uganda, Eriya Kategaya, to the fifty-seventh ordinary session of the Council of Ministers of OAU, the sanctions focus on the following four aspects: a ban on arms; an embargo on imports of fuel except for a

limited contingent allocated to humanitarian activities; a ban on commercial flights to and from Burundi; and a ban on exports.

64. Despite the clear commitment and commendable efforts made by the countries in the region to conduct a regular review of the sanctions, it is necessary to recognize that the embargo has caused a deterioration in the living conditions of families and children through its impact on the price level, the job market and family income. At the same time, national activities in the sphere of public health and education have been seriously hampered by the lack of equipment and medical supplies.

65. It is important to consider that the embargo was imposed on Burundi while the country was in the midst of a civil war. The embargo has therefore aggravated the already precarious situation in the country.

66. With respect to the political developments that have taken place both inside and outside the country over the last few months, and in the light of the trends referred to above, the time has come for a proper reassessment of the position adopted by the international community vis-à-vis humanitarian aid in early 1997. It is now crucial to reconsider, with the Government of Burundi, the key issues involved in the rehabilitation of displaced persons, regrouped populations and refugees in their communes and hills of origin. It would be fair enough to recognize that the situation in many areas of the country has moved into a predevelopmental phase, and that more specialized agencies in the field of development should take their proper place in the health sector.

67. The Special Rapporteur is convinced that Burundi, at the current stage, offers a hospitable context for an effective and enlarged presence of the Office of the United Nations High Commissioner for Refugees. On several occasions, during his visit, government authorities have expressed a sincere wish to see a larger international human rights presence in Burundi, with a stronger locally based component, which should be seen in future as a part of an overall peace agreement for the country.

68. The Special Rapporteur is of the view that the establishment of an international tribunal may help to address collective fears and memories of genocide by acknowledging past crimes and defining individual responsibility for those crimes. An important task that the tribunal could undertake would be to individualize guilt for crimes affecting the whole Burundian community, with a view to determining the individual responsibility of those found guilty of massacres, genocide and genocidal acts.[4]

B. Recommendations

69. In submitting the present report to the General Assembly, the Special Rapporteur wishes to formulate a number of recommendations relating to recent developments in Burundi, which also refer to several recommendations already made in his previous reports.

70. The Special Rapporteur requests the Government of Burundi to review the various recommendations that he made in previous reports. As recommended by the fifth meeting of Special Rapporteurs, Special Representatives and Experts held on May 1998, the Commission on Human Rights should be in a position to follow up the implementation of such recommendations.

1. At the national level

71. The Special Rapporteur urges the Burundian authorities to implement the urgent reforms proposed in his previous reports regarding the reconstruction of the judicial system. He emphasizes the imperative need to formulate adequate strategies for ending impunity and for reorganizing the functions of the army and security forces under distinct structures. He also considers it crucial to ensure that the majority of the population should have unhindered access to the major State institutions such as education, justice and the armed forces.

72. The Special Rapporteur reiterates his solemn and urgent appeal to the Burundian authorities to suspend the death sentences, currently numbering more than 250, and the life sentences pronounced during sessions of the criminal chambers, at least until the peace negotiations have been completed and reforms undertaken to establish an independent and impartial judicial system.

73. The Special Rapporteur thinks that, pending those future developments, it is highly desirable that steps be taken to reform the penal code and make the death penalty optional and not mandatory for offences currently punishable only by death.

74. The Special Rapporteur therefore once again urgently draws the attention of the Government to the need to respect articles 10 and 11 of the Universal Declaration of Human Rights, which stipulate that every accused person is entitled to a fair trial, including the right to be guaranteed legal assistance for his or her defence.[5] He again reminds the Government that it is its duty, as a State party to the International Covenant on Civil and Political Rights, to comply with articles 6 (paragraph 2), 14 and 15, which stipulate that a sentence of death may be imposed only for

the most serious crimes in accordance with the law in force at the time of commission of the crime, following a fair trial, and to pay all necessary attention to United Nations resolutions establishing guarantees for the protection of the rights of persons liable to the death penalty.[6]

75. The Special Rapporteur believes that the Burundian authorities should put an end to arbitrary detentions and exercise strict control over the officials responsible for detentions. They should not resort to arbitrary detention and disrespect legal procedures during detention. It is vital that illegal preventive detention should not be followed by a transfer to, and/or detention in, prison facilities.

76. To limit the periods of preventive detention in *cachots*, the authorities should exercise strict control over the tasks carried out by the Judiciary Police and conduct regular inspections of detention centres to ensure that arbitrarily or illegally detained persons will be released.

77. The authorities should also consider limiting preventive detentions for long periods, ending unlawful detentions and increasing the number of judicial inspections in the detention centres to ensure that cases will be processed in a timely manner.

78. The Special Rapporteur expects that the Burundian authorities will pay serious attention to the needs of the more vulnerable populations in the prisons and *cachots*, such as infants and minors, women and prisoners who are ill.

79. The Special Rapporteur strongly recommends to the authorities the enforcement of the rule stipulating that preventive detention should not exceed one week, within the framework of a preliminary investigation.

80. The Special Rapporteur requests the Government of Burundi to take urgent measures to ameliorate conditions of detention. Prisoners must not be subjected to cruel, inhumane or degrading treatment, regardless of their judicial status or the nature of their convictions or sentences. Prisoners condemned to the death penalty should not be submitted to harsher conditions than other detainees.

81. The Special Rapporteur requests that the appropriate assistance be provided to enable the Ministry of Human Rights to achieve the objective, set by the Office of the United Nations High Commissioner for Refugees, of enforcing the national human rights capacity to the maximum extent possible, including the strengthening of the centre for the promotion of human rights and prevention of genocide.

82. The Special Rapporteur once again draws the attention of the Burundian authorities to the urgent need to ensure respect for the standards of international humanitarian law and human rights, which prohibit indiscriminate attacks against the population and civilian targets during military operations. He also recalls the prohibition on looting and arbitrary destruction of their property.

83. The Special Rapporteur reiterates that rebel groups must see to it that their armed forces equally respect the principles of international humanitarian law and, in particular, article 3 common to the 1949 Geneva Conventions. He specifically draws their attention to the provisions relating to the physical security of the civilian population, non-combatants and prisoners.

84. The Special Rapporteur therefore appeals to the rebel groups to refrain from perpetrating attacks against civilians both within and outside the regroupement camps or camps for displaced persons and to duly give instructions to their subordinates to that effect.

2. At international level

85. The Special Rapporteur is convinced that it is essential for the protection of the human rights of the civilian population, especially of its most vulnerable groups, that a genuine ceasefire should be given top priority by the international community.

86. The Special Rapporteur recommends that the international community acknowledge the power-sharing initiatives taken by the Burundian authorities within the framework of the Partenariat interne pour la paix", despite its limitations. They should be seen as a serious attempt to come up with a provisional political structure that could take the country forward.

87. The Special Rapporteur urgently requests the international community to pursue its firm financial commitment in favour of the legal assistance programme. He thinks that it is important that the current group of six lawyers should be doubled for the next year. He considers that this valuable programme could help to ensure the presence of witnesses, for both the defence and the prosecution, which could promote greater fairness and rapidity in the conduct of trials.

88. The international community should not wait for the implementation of judiciary reform to assist in providing the most basic material and human resources. Foreign Governments should support the training of Burundian magistrates and attorneys and their exposure to the practices used by democratic judiciary systems to improve the competence, independence and impartiality of the judiciary.

89. He also appeals to the international community to urgently secure and increase financial support for the

activities of the Office of the United Nations High Commissioner for Refugees. The Special Rapporteur is convinced that a larger presence of international human rights observers in Burundi can be a decisive element within the framework of a peace agreement.

90. The Special Rapporteur recommends that the issue of an international criminal tribunal should once again be considered by the United Nations, but only when the proper conditions for establishing such a body have been met in Burundi. Those conditions are: the establishment of a ceasefire, the existence of a genuine internal political dialogue, the successful conclusion of the ongoing negotiations and the initiation of a process towards democratic governance.

91. The Special Rapporteur is convinced that the programmes of the United Nations agencies should continue to support the local communities through income-generating activities, increased participation of women in the economic and social life of their communities and increased food security. Such support should be extended by activities that promote a spirit of tolerance conducive to national reconciliation and the emergence of a culture of peace and human rights within Burundian society.

92. The Special Rapporteur encourages any initiative taken by the international community to accompany and support the process of peace negotiations both within and outside Burundi.

93. The Special Rapporteur strongly recommends that the international community should assist with medical and food help to prisoners in Burundi, conditioning such support on the improvement of conditions of detention, effective initiatives to control arbitrary detention and the introduction of administrative reforms to improve the management of the penitentiary system.

94. The international community should support and facilitate the work of local non-governmental organizations which are, with enormous difficulties, providing support to prisoners and detainees.

Notes

[1] See United Nations Children's Fund, "Burundi, the impact of the embargo on children and families in Burundi", August 1998. See also Ministère de la planification du développement et de la reconstruction/PNUD, "Rapport national de développement humain du Burundi 1997" (Bujumbura, 1998).

[2] See Jan Van Eck, "Burundi peace talks resume in Arusha on 15 June" (Cape Town, South Africa, Centre for Conflict Resolution, 10 June 1998). For recent developments in Burundi, see Stephen R. Weissman, "Preventing genocide in Burundi – Lessons from international diplomacy", report of the United States Institute of Peace (Washington, D.C., 15 September 1998).

[3] See letter dated 18 April 1997 from the Permanent Representative of the United Republic of Tanzania to the United Nations addressed to the President of the Security Council" (S/1997/319).

[4] See Weissman, "Preventing genocide ...", and Michael Ignatieff, *The Warrior's Honour* (New York, Viking Press, 1998), pp. 178–179.

[5] See General Assembly resolution 217 A (III) of 10 December 1948.

[6] See General Assembly resolution 2200 A (XXI) of 16 December 1966.

Appendix I

Breakdown of affected persons by province in Burundi

Province	*Site population*	
	June 1998	*August 1998*
Bubanza	65 184	159 740
Buja	35 338	88 966
Bururi	44 564	105 475
Cankuzo	3 254	3 290
Cibitoke	57 428	2 750
Gitega	20 997	21 499
Karusi	125 262	17 363
Kayanza	109 523	27 417
Kirundo	20 072	16 217
Makamba	13 812	31 822
Muramvya	46 017	13 390
Muyinga	35 852	29 920
Ngozi	21 530	24 128
Rutana	3 977	1 478
Ruyigi	4 118	2 795
Total	**606 938**	**546 250**

Sources: Office for the Coordination of Humanitarian Affairs, Integrated Regional Information Network, "*Plan d'action national en faveur des sinistrés, juillet-août 1998*", 4 June 1998.

Appendix II

Detention statistics as of 27 August 1998

Prison	Capacity	Prison population	Defendants		Sentenced		Minors	Infants
			Men	Women	Men	Women		
Bubanza	100	115	78	1	35	1	—	—
Bururi	100	272	246	8	20	—	10	1
Gitega	400	1 888	1 395	49	354	17	22	18
Mpimba	800	2 525	1 866	52	560	27	20	20
Muramvya	100	279	208	6	65	—	10	—
Muyinga	300	469	411	—	78	—	4	—
Ngozi[a]	250	86	—	53	—	24	2	9
Ngozi[b]	400	2 898	2 270	—	128	—	20	—
Rumonge	800	762	433	18	303	—	10	8
Rutana	100	309	140	6	161	1	5	1
Ruyigi	300	292	241	3	46	2	1	—
Total	**3 650**	**9 895**	**7 484[c]**		**1 822[c]**		**104**	**57**

Source: Government of Burundi.

[a] Women's facilities.

[b] Men's facilities.

[c] Women and men combined.

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Fifty-third session
Agenda items 27 and 35

Cooperation between the United Nations and the League of Arab States

Cooperation between the United Nations and the Organization of African Unity

Letter dated 8 October 1998 from the Permanent Representatives of Egypt and Nigeria to the United Nations addressed to the Secretary-General

We have the honour to inform you that, at a joint meeting of the Groups of African and Arab States at the United Nations, held on 29 September 1998 at Headquarters in New York, a decision was adopted to establish a permanent mechanism of coordination, by entrusting the Chairmen of both Groups for each month, together with the representatives of the Organization of African Unity and the League of Arab States to the United Nations, to hold periodic meetings and report thereon to members of the two Groups, so as to ensure effective joint action on issues of mutual concern.

Attached, please find the press statement issued at the conclusion of the joint meeting of the two groups (see annex).

We would appreciate it if the present letter and its annex would be issued as a document of the General Assembly, under agenda items 27 and 35.

(*Signed*) Nabil A. **Elaraby**
Ambassador
Permanent Representative of the Arab Republic of Egypt
to the United Nations
Chairman of the Arab Group

(*Signed*) Ibrahim A. **Gambari**
Ambassador
Permanent Representative of Nigeria to the United Nations
Chairman of the African Group

98-30307 (E) 141098

Annex

Press statement issued at the conclusion of the joint meeting of the Groups of African and Arab States at the United Nations, held on 29 September 1998

The Groups of African and Arab States to the United Nations held a joint meeting on Tuesday, 29 September 1998, at United Nations Headquarters in New York. The meeting was attended by Dr. Ahmed Esmat Abdel Meguid, Secretary-General of the League of Arab States, and Dr. Salim A. Salim, Secretary-General of the Organization of African Unity.

The joint meeting, under the chairmanship of Ambassador Samir Moubarak, Permanent Representative of Lebanon to the United Nations and Chairman of the Group of Arab States for September 1998, and Ambassador Gideon Kayinamura, Permanent Representative of Rwanda to the United Nations and Chairman of the Group of African States for September 1998, discussed the items of mutual concern to both groups on the agenda of the fifty-third session of the General Assembly of the United Nations. At the conclusion of the meeting, the participants agreed to continue to coordinate their joint efforts with a view to strengthening their cooperation and consultation on all matters of mutual concern, within the United Nations and at other international fora.

To that end, the joint meeting decided to create a permanent mechanism of coordination, by entrusting the Chairmen of the Groups of African and Arab States for each month, together with the representatives of the League of Arab States and the Organization of African Unity to the United Nations, to hold periodic meetings and report thereon to members of the two groups, so as to ensure effective joint action on issues of mutual concern.

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United Nations Decade of International Law

United Nations Decade of International Law

Note by the Secretary-General

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I. Introduction

1. By its resolution 44/23 of 17 November 1989, the General Assembly declared the period 1990–1999 the United Nations Decade of International Law, and a series of programmes of activities was subsequently adopted. At its fifty-first session, the Assembly adopted the programme for the activities for the final term (1997–1999) of the Decade. The programme was annexed to General Assembly resolution 51/157 of 16 December 1996.

2. The General Assembly, in paragraph 8 of resolution 52/153 of 15 December 1997, entitled "United Nations Decade of International Law", encouraged the Office of Legal Affairs of the Secretariat to continue in its efforts to facilitate access to information concerning United Nations activities in the field of international law and to bring up to date the publication of the *United Nations Juridical Yearbook*. The present report provides further information in this regard.

II. Encouragement of the teaching, study, dissemination and wider appreciation of international law

3. During 1998, the Office of Legal Affairs continued its efforts in connection with the dissemination of information regarding international law. While the primary form of dissemination remains the publication of studies, the Office of Legal Affairs has also resorted to dissemination through the electronic medium.

A. Publications concerning United Nations activities in the field of international law

4. Following the request of the General Assembly in resolution 52/153, efforts have been made to eliminate the backlog in the publication of the *United Nations Juridical Yearbook*. While the 1989 edition is being prepared, the 1988, 1993 and 1994 editions are to be published shortly. The 1995 edition will soon be sent to press. Work on the remaining volumes following 1995 will continue. A cumulative index for the *Yearbook* from 1962 to 1986 has been prepared, and will be issued as an United Nations sales item.[1]

5. The *Summaries of Judgments, Advisory Opinions and Orders of the International Court of Justice, 1992–1996*[2] was published in 1998, as a continuation of an earlier issue[3] on the same subject which covered the period 1948–1991 The *Summaries* was prepared by the Codification Division of the Office of Legal Affairs in conjunction with the Registry of the International Court of Justice, as a response to the increased interest in the work of the International Court of Justice, as noted in the programme for the final term (1997–1999) of the United Nations Decade of International Law. The *Summaries* was published in all six official languages of the Organization.

6. *Making Better International Law: The International Law Commission at 50*[4] was published in June 1998 to commemorate the fiftieth anniversary of the establishment of the Commission. It contained the proceedings of the Colloquium on the Progressive Development and Codification of International Law held in New York on 28 and 29 October 1997. The publication was prefaced by the Secretary-General, and was divided into three parts: Part I, oral presentations of papers and open-floor discussion, organized according to the following themes: (a) overview of the international law-making process and the role of the International Law Commission; (b) major complexities encountered in contemporary international law-making; (c) selection of topics for codification and progressive development by the Commission and its working methods; (d) the Commission's work and the shaping of international law; (e) enhancing the Commission's relationship with other law-making bodies and relevant academic and professional institutions; (f) making international law more relevant and readily available; (g) the influence of the International Court of Justice on the work of the International Law Commission and the influence of the Commission on the work of the Court. Part II contains the written submissions of papers received. Part III reproduces the decisions and conclusions of the Commission on its programme, procedures and working methods adopted at its forty-eighth session, and the statute of the International Law Commission in both English and French.

7. The *Analytical Guide to the Work of the International Law Commission, 1949–1997*[5] was published in July 1998 as a contribution by the Codification Division to commemorate the fiftieth anniversary of the establishment of the Commission, and complements the publication *The Work of the International Law Commission*,[6] currently in its fifth edition. The Guide is intended as a tool to facilitate research into the Commission's contribution to the codification and progressive development of international law during its first 50 years of existence. The Guide is organized by topics, subdivided into categories and stages of consideration within the Commission, allowing the reader

to trace the development of each topic from inception to conclusion.

8. The Codification Division is also preparing for publication the proceedings of the seminar, held in Geneva on 21 and 22 April 1998, to celebrate the fiftieth anniversary of the International Law Commission. The seminar was organized by the Commission, the Government of Switzerland and the Graduate Institute of International Studies. The theme of the seminar was "The International Law Commission fifty years after: An evaluation", and the following topics were considered: (a) overview of the work of the International Law Commission 1948–1998; (b) international responsibility and liability: comments on the Commission's approach; (c) State immunities: current problems inherited from the past?; (d) law of treaties: questions remain open; (e) future topics and problems of the international legislative process; and (f) uses and perils of codification.

9. In paragraph 13(a) of the programme for the activities for the final term (1997–1999) of the United Nations Decade of International Law, the suggestion was made that the Organization should encourage the publication of essays on subjects of international law written by some practitioners of international law and legal advisers of States and international organizations. Following consultations with legal advisers of States and of international organizations and various practitioners on how best to implement the General Assembly's suggestion, invitations to contribute to a collection of essays were sent to the legal advisers of Member States, as well as of all the international organizations of the United Nations system, and to practitioners in the field of international law. The collection will provide a perspective on international law as viewed from the practical viewpoint of those who are involved in the actual practice of international law. The Codification Division is preparing the publication which will contain some 30 essays, organized according to the following major themes: the role of the legal adviser in shaping political decisions; the role of the legal adviser in implementing international decisions in national law; the role of the legal adviser in the application and development of the law of international organizations; the role of the legal adviser or practitioner in litigation before national courts involving questions of international law; and the role of the legal adviser or practitioner in litigation before international courts and tribunals. It is envisaged that the collection of essays will be published in 1999 in time for the commemoration of the closing of the United Nations Decade of International Law.

10. The Codification Division has been preparing a further study intended as a contribution to the United Nations Decade of International Law. The study, tentatively entitled *The United Nations and the Development of International Law during the 1990s* analyses legal instruments emanating from the normal "law-generating" processes within the United Nations during the 1990s and assesses their contribution to the development of international law. While the focus of the study is limited to the activities of the primary deliberative organs of the United Nations, it includes issues as diverse as disarmament, international environmental law, human rights, diplomatic and consular relations, international criminal law, international economic law, law of the sea, law of treaties, outer space law and the law of international organizations.

11. Volume XXVII of the *United Nations Commission on International Trade Law Yearbook*[7] was published in June 1998 and records the work of the Commission's twenty-ninth session in 1996, including electronic commerce and international commercial arbitration. Abstracts Nos. 17 to 19 under the Case Law on UNCITRAL Texts (CLOUT) system were published[8] to disseminate information on court decisions and arbitral awards relating to Conventions and Model Laws emanating from the work of the Commission.

12. The International Trade Law Branch is also preparing for publication the proceedings of the colloquium held in New York on 10 June 1998 as a special commemorative event on the fortieth anniversary of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, concluded at New York on 10 June 1958. Leading arbitration experts review their experience on the working of the Convention during its first 40 years and forecast its likely operation during the next 40 years. It is envisaged that publication of the proceedings will occur in early 1999. The publication of the proceedings of the colloquium on uniform commercial law held in New York on 11 June 1998 is also under preparation. The publication will contain information on current and possible future work topics in the areas of electronic commerce, project and receivables financing and cross-border insolvency. It is envisaged that publication will occur in early 1999.

13. The publications of the Division for Ocean Affairs and the Law of the Sea aim primarily at the dissemination of information about the *United Nations Convention on the Law of the Sea*, the comprehensive treaty dealing with all aspects of ocean affairs, as well as important developments and State practice with regard to the law of the sea. An expanded volume containing the *United Nations Convention on the Law of the Sea* and the *Agreement relating to the Implementation of Part XI of the Convention* with a

comprehensive index covering both texts was released in English in 1998.[9] The Division also prepared three issues of its *Law of the Sea Bulletin* containing current developments in the law of the sea. *The Law of the Sea – A select Bibliography – 1997*[10] was published recently. *International Fisheries Instruments with Index*, a publication prepared jointly by the Division and the Food and Agriculture Organization of the United Nations (FAO) is due later this year. The Division has distributed two issues of the Law of the Sea Information Circular (LOSIC) which communicates information on, *inter alia*, developments relating to the implementation of the Convention.

B. Dissemination of information concerning United Nations activities in the field of international law through the electronic medium

14. Information concerning United Nations activities in the field of international law is accessible through the sub-site on international law (http://www.un.org/law), under the home page of the Organization. The sub-site includes information on, *inter alia*, codification, development and promotion of international law; international trade law; law of the sea; treaties; International Tribunal for the Former Yugoslavia; International Criminal Court; International Law Commission; and International Criminal Tribunal for Rwanda. The respective units of the Office of Legal Affairs are responsible for providing information for the sub-sites. Data are generally posted, initially, in English, while some sub-sites offer versions in one or more of the other official languages of the Organization. A special section of the online United Nations Documentation: Research Guide containing references to documents related to international law (http://www.un.org/Depts/dhl/resguide/specil.htm) has recently been added.

15. The Web site of the International Law Commission (http://www.un.org/law/ilc/index.htm) was recently created to disseminate information regarding the activities of the Commission to as wide an audience as possible, through the electronic medium. The site includes the following: information on the fiftieth session of the Commission; an introduction to the Commission, including a brief historical synopsis; information regarding the composition and membership of the Commission, and its activities during its forty-eighth, forty-ninth and fiftieth sessions; a discussion of its programme of work; online copies of some of the reports of the Commission, as well as of various texts adopted by the Commission, or based on its work; and an on-line version of the *Analytical Guide to the Work of International Law Commission*.

16. Information regarding the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, held at Rome, Italy, from 15 June to 17 July 1998, was posted on the Internet at the site of the International Criminal Court (http://www.un.org/icc/), established by the Department of Public Information in collaboration with the Codification Division. The site contains the following material: background information on the Conference; information for participants and the media; the daily programme of the Conference; full-text versions of selected speeches and statements made at the Conference; press releases; full-text links to selected documentation; a photo gallery; and audio links to selected speeches and statements. A full-text version of the Rome Statute of the International Criminal Court is also available at the site.

17. The site of the International Criminal Tribunal for Rwanda (http://www.ictr.org) contains, *inter alia*, the following material: relevant resolutions of the Security Council; the statute of the Tribunal; the Rules of Procedure and Evidence of the Tribunal; information regarding indictments, indictment confirmations and arrest warrants; transcripts of hearings; judgements, decisions and orders of the Chambers; and case summaries. The site recently posted full-text information regarding the Tribunal's verdicts on the crime of genocide. A mirror site (http://www.un.org/ictr), located in New York, has been established.

18. During 1998, the International Court of Justice established its own site on the Internet (http://www.icj-cij.org). The site contains basic information on the Court, including the names of the judges; the constitutive instruments of the Court; and its current docket. Full-text versions of the Court's decisions, advisory opinions and Orders, including pleadings, are vailable.

19. The Web site on the Codification, Development and Promotion of International Law (http://www.un.org/law/lindex.htm) is maintained by the Codification Division. It is intended to provide, on a regular basis, current information pertaining to the development of public international law. It currently contains information on: the activities of the Sixth Committee of the General Assembly; the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996; the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization; the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, held at Rome, Italy, from 15 June to 17 July 1998; the

International Law Commission; and the audiovisual library on international law. It also contains full-text versions of the Convention on the Law of the Non-Navigational Uses of International Watercourses, and the International Convention for the Suppression of Terrorist Bombings.

20. The International Trade Law site (http://www.un.org.at/uncitral/index.html) contains information on the United Nations Commission on International Trade Law (UNCITRAL); preparatory documentation of the Commission and its working groups; case law on UNCITRAL texts (CLOUT); conventions (including their status), model laws and other texts relating to international trade law.

21. The Oceans and Law of the Sea Web site (http://www.un.org/Depts/los) is maintained by the Division for Ocean Affairs and the Law of the Sea in accordance with General Assembly resolution 49/28 of 9 December 1994. The Web site that evolved from the Gopher site established in 1995 contains electronic versions of the full text of the United Nations Convention on the Law of the Sea and its related Agreements as well as information on a variety of other legal materials dealing with ocean affairs, marine resources, the marine environment and the institutions created by the Convention. The site has been expanded this year and highlights the role of the Law of the Sea Convention in the rational management of the oceans. It is intended to bring to the general public the contribution of the Convention to their daily lives by demonstrating its interrelated nature in fields as diverse as national jurisdiction over maritime space, navigation, the sustainable use of ocean resources and marine pollution.

22. The United Nations Treaty database (http://www.un.org/Depts/Treaty) contains the electronic versions of the publications *Multilateral Treaties Deposited with the Secretary-General* and the United Nations *Treaty Series* (see chap. III below).

23. The International Criminal Tribunal for the Former Yugoslavia site (http://www.un.org/icty/index.html) contains, *inter alia*, information about the Tribunal, the basic legal documents of the Tribunal and its cases, information on publications, as well as news and press releases.

24. An audiovisual library was established by the Codification Division in 1997, under the aegis of the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law. The library was created to assist States, particularly developing States, and their educational institutions, through the preparation and distribution of audiovisual tapes for the purpose of instruction pertaining to various topics of international law. The use of audiovisual technology is a cost-effective way to disseminate information regarding international law to a global audience. The Codification Division, which administers the library, collects tapes made available to it from international legal associations, as well as from the United Nations system itself. It reviews them for content and quality; it catalogues the tapes according to subject matter; and intends to make them available for loan to Governments and educational institutions upon request. The library also contains a collection of tapes of international law conferences, and will work with universities and law professors in producing tapes of lectures on relevant topics for use by the library. The library has no operating funds and functions on voluntary contributions. The library, to date, holds tapes under the following subjects: United Nations (general); International Court of Justice; International Law Commission; Special Commission on Iraq (UNSCOM); sanctions against Iraq; International Tribunal for the Former Yugoslavia; Convention on the Elimination of Discrimination against Women; United Nations Legal Counsel; United Nations peacekeeping activities; Ninth Congress of the United Nations on the Prevention of Crime and the Treatment of Offenders; international law (general); human rights; international humanitarian law; law of the sea; and Seton Hall University School of Law Series on public international law.

25. The Codification Division continues to contribute to the Global Legal Information Network (GLIN). GLIN is an automated, non-commercial database of national laws, statutes and regulations, developed and coordinated by the Law Library of the United States Library of Congress. Sample abstracts of legal opinions published in the *United Nations Juridical Yearbook* have been submitted to GLIN, and further abstracts will be prepared for inclusion in the database. GLIN contains information from more than 40 contributing countries in the Americas, Europe, Africa and Asia, with other countries being added on a continuing basis. At present, this database consists primarily of national legislation enacted from 1976 to the present. The database, which can be accessed by contributing countries using a password via the Internet, consists of searchable legal abstracts in English and some full texts of laws in the language of the submitting country. Within the United Nations, members of the permanent missions and the Secretariat can access GLIN from computer terminals in the Dag Hammarskjöld Library.

III. The United Nations Treaty Collection – the new database

26. Further to General Assembly resolution 51/158 of 16 December 1996, the Treaty Section of the United Nations began work on a project to establish a new electronic database/workflow system for the Section. The key objective of the project was to substantially speed up the analysis, review, inputting and processing of treaty-related data, and their subsequent publication, by employing modern electronic technology to the maximum possible extent. It was expected that the proposed system would assist substantially in eliminating, without sacrificing accuracy, the existing practice of repeatedly entering the same data for the different publications of the Section and the unnecessarily repetitive checking of entries. The key outcome anticipated from this custom-built electronic system would be the early elimination of the historical backlog in the publications of the Section, particularly in the United Nations *Treaty Series* and the United Nations *Treaty Series* Cumulative Index. In addition, the proposed new database would assist in presenting the information on the United Nations Treaty Collection on the Internet in a more timely and user-friendly manner to its rapidly multiplying group of users. Such an outcome would contribute significantly to realizing the objectives of Article 102 of the Charter of the United Nations Work on the project started in August 1997 with the object of completing the project by February/March 1998. Two key factors seriously affected the completion of the project within this time frame: (a) the complex technical difficulties confronted were of a unique nature and required novel and hitherto untested solutions; (b) the resource requirements, including financial allocations, necessary to complete the project within this time period were much greater than originally anticipated.

27. The project was completed on 9 August 1998. The Treaty Section now has a system which would enable it to scan or convert to text format through optical character recognition (OCR) all documents received in the Section (treaties, subsequent actions, ratifications, reservations, declarations, etc.) and store this information in the database. A decision to scan or use OCR will be made as soon as any document is received and would primarily depend on the quality of the document. Documents in English and French would in most instances be stored via OCR as this would enable them to be retrieved through a text search, including via the Internet. The Treaty Section possesses the technical capability to employ both methods. The new database is also equipped to handle documents submitted in electronic format, such as by diskette or e-mail, and it is strongly encouraged that documents be submitted electronically in accordance with the guidelines to be established by the Section. Electronic submission of documents will result in significant savings of time and staff and financial resources.

28. In the majority of cases, documents received will be analysed, information verified and data inputted simultaneously. On the completion of registration formalities, including the necessary legal reviews, the Section will be able to place registered treaties on the Internet in their original languages. However, placing the translated versions on the Internet will require more time. The Translation and Editorial Division has been consulted with a view to reducing the time currently taken for translations.

29. Once the necessary legal verifications are completed and the data inputted, the database is capable of producing most of the Section's output without further significant staff-member involvement. There will be no need for the current practice of repetitive entries for the different publications of the Section and repetitive verifications. Information, once it has been analysed, verified and fed into the system, will automatically flow into the different publications. New innovations relate to the production, through the database, of:

(a) All routine Circular Notifications (but those requiring detailed legal analysis and translations will continue to be handled in the traditional manner);

(b) Information facsimiles to other international bodies;

(c) Daily *Journal* entries;

(d) *Multilateral Treaties Deposited with the Secretary General, Status as at December...*,commonly referred to in the Section as "the bible". "Bible" entries will be produced automatically except for text, such as reservations, declarations, etc., for which a further software enhancement is required. The "bible" is currently available on the Internet and will be updated on a daily basis. It will also be presented in a more user-friendly manner than at present;

(e) *Monthly Statement of Treaties.* This document is already capable of being produced automatically by the new database and will reflect the entries for each month;

(f) Certificates of Registration;

(g) United Nations *Treaty Series Cumulative Index.* This document is already capable of being produced by the new database using a desktop format and will keep pace with the production of the United Nations *Treaty Series*;

(h) United Nations *Treaty Series*. This document will now be substantially produced through the new database but will continue to require a degree of manual work. Production of the *Treaty Series* through the database was a particularly challenging aspect of the project. Desktop publishing needs further refinement, but when the programme is completed according to plan, the Organization will be able to make substantial savings of financial resources currently allocated to typesetting. Negotiations are proceeding to obtain diskettes of volumes typeset from the current typesetter as this would enable the Section to place new volumes on the Internet more expeditiously. The current rate of hard copy publication of the *Treaty Series* averages around 12 volumes per month.

30. The next phase of the development programme will enable the Section to place Circular Notifications and *Journal* entries on the Internet, thus bringing this information to the attention of Member States and others within a very short time. It is also hoped to place a substantial part of the information accumulated over the last 50 years in the database on the Internet once it has been adequately verified and indexed. The *Monthly Statement of Treaties* and the United Nations *Treaty Series Cumulative Index* could also be made available to the public through CD-ROM and the Internet. These developments, however, require further software enhancements to the database.

31. The new database, though completed to a substantial extent, will require continued maintenance and further enhancements (some aspects have been highlighted above). Data from the old mainframe which had already begun to malfunction on a regular basis and which would in any event have been affected by the "year 2000 bug", have been transferred to the new database but need considerable refining. (Some programmes of the old mainframe, first established in 1973, were written in computer languages which are not in use today.) These tasks were anticipated in the budget. Regular users of the products of the Treaty Section have expressed the expectation that these tasks would be completed soon, for example, in comments on the need for a better presentation of the "bible" on the Internet. These enhancements are essential if the section is to continue to provide a relevant and valued service. A new contract will be concluded for the purpose of providing maintenance, analytical support and enhancement of the new database.

32. The Treaty Section will be extensively reorganized to work with the new database. Two key functions of the Section will be data analysis, review and input, including legal analysis, and subsequent publication. Staff will have to be reassigned to meet these key needs. They are being gradually trained in using the new database. Some staff will receive specialized training in critical functions of the new system. Opportunities exist for staff to acquire new and exciting skills. Although there will be no staff surplus, at least in the short-term due to the backlog overhang, a major financial saving would result from the switch to desktop publishing for the United Nations *Treaty Series*, especially in relation to typesetting. Staff savings will result in the medium term.

33. It is hoped to formally launch the new database in November 1998. It would also be possible to arrange briefings on the uses of the new system and its benefits for smaller groups in the Treaty Section.

Notes

[1] Sales No. E.98.V.3.

[2] ST/LEG/SER.F/1/Add 1 – United Nations publication, Sales No. E.97.V.7.

[3] ST/LEG/SER.F/1 – United Nations publication, Sales No. E.92.V.5.

[4] Sales No. E/F.98.V.5.

[5] Sales No. E.98.V.10.

[6] Sales No. E.95.V.6.

[7] Sales No. E.98.V.7.

[8] A/CN.9/SER.C/ABSTRACTS 17,18 and 19.

[9] Sales No. E.97.V.10.

[10] Sales No. E.98.V.6.

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SUSTAINABLE DEVELOPMENT AND INTERNATIONAL ECONOMIC COOPERATION
CRIME PREVENTION AND CRIMINAL JUSTICE
INTERNATIONAL DRUG CONTROL
HUMAN RIGHTS QUESTIONS

SECURITY COUNCIL
Fifty-third year

Letter dated 13 October 1998 from the Permanent Representative of Kazakhstan and the Russian Federation to the United Nations addressed to the Secretary-General

We have the honour to transmit the text of a joint Kazakh-Russian communiqué on the State visit of the President of the Russian Federation, Mr. Boris Yeltsin, to Kazakhstan on 12 and 13 October 1998 (see annex).

We should be grateful if you would have the text of this letter and its annex circulated as a document of the General Assembly, under agenda items 45, 93, 101, 102 and 110, and of the Security Council.

(Signed) A. ARYSTANBEKOVA
Ambassador
Permanent Representative
of Kazakhstan to the
United Nations

(Signed) S. LAVROV
Ambassador
Permanent Representative
of the Russian Federation
to the United Nations

98-30452 (E)

ANNEX

Joint Kazakh-Russian communiqué on the State visit of the President of the Russian Federation to Kazakhstan

On 12 and 13 October 1998, at the invitation of the President of Kazakhstan, Mr. Nursultan Nazarbaev, the President of the Russian Federation, Mr. Boris Yeltsin, made a State visit to Kazakhstan.

During their talks, Mr. Nazarbaev and Mr. Yeltsin thoroughly discussed topical issues and prospects for Kazakh-Russian relations and held a comprehensive exchange of views on regional and international issues of mutual interest.

The heads of State noted with satisfaction that the multifaceted cooperation between Kazakhstan and the Russian Federation, which is of priority importance to both countries, is progressing steadily and becoming increasingly more dynamic.

They stressed that the Kazakh-Russian Declaration on Eternal Friendship and Alliance in the Twenty-first Century, signed by the Presidents in Moscow on 6 July 1998, was of fundamental importance in bringing about a qualitative change in their bilateral relations.

The leaders of Kazakhstan and the Russian Federation reaffirmed the determination of the sides to increase, on the basis of that strategic document, their joint efforts with a view to intensifying and improving the effectiveness of wide-ranging cooperation in all fields.

The most important outcome of the talks was the conclusion of the Treaty between the Republic of Kazakhstan and the Russian Federation on Economic Cooperation and the corresponding Programme for 1998-2007, which have opened up new perspectives for the mutually advantageous development of trade, industrial cooperation, investment and scientific and technological cooperation in key areas, and the intensification of ties between regions and economic agents.

The Presidents signed the Agreement between the Republic of Kazakhstan and the Russian Federation on the Settlement of Financial Matters. They noted with satisfaction that, through their joint efforts, they had managed to find a mutually acceptable solution to this important problem, which should ensure the stability of financial and economic cooperation between the two countries, including the operation under lease of the Baikonur complex and other facilities in the territory of Kazakhstan.

The heads of State discussed the question of the legal registration of the State border between Kazakhstan and the Russian Federation and signed the relevant Protocol under which the Governments of the parties shall begin, in 1999, negotiations on the demarcation of the State border between Kazakhstan and the Russian Federation.

A considerable number of intergovernmental and interdepartmental instruments were signed, including agreements on social rights and guarantees for civilians residing and/or working at the Baikonur complex, the establishment and conditions for the operation of information and cultural centres, cooperation in combating illegal traffic in narcotic drugs and psychotropic substances, cooperation and mutual assistance to combat unlawful financial operations involving the legalization of illegal income, and conditions for the establishment and servicing of diplomatic missions of Kazakhstan in the Russian Federation and of the Russian Federation in Kazakhstan.

The Presidents expressed their support for the further intensification of Kazakh-Russian cooperation in the humanitarian field, including constructive interaction to guarantee the rights of citizens and subjects of the parties residing in the territory of the other party. In that context, they stressed the importance of the regular joint work of the human rights commissions attached to the offices of the Presidents of the two countries.

The exchange of views demonstrated the unity of the Presidents of Kazakhstan and the Russian Federation in their fundamental approach to assessing the role and place of, and prospects for, the activities of the Commonwealth of Independent States in acting the interests of all its members.

In the light of developments on the Commonwealth's external borders and in adjacent regions, the Presidents spoke out in favour of extending the Treaty on Collective Security of 15 May 1992.

In their discussion of international problems, Mr. Nazarbaev and Mr. Yeltsin expressed their deep concern at the continuing bloody conflict in Afghanistan. They emphasized the importance of close cooperation among Kazakhstan, the Russian Federation and other countries of the Commonwealth to find ways of safeguarding its southern borders. Kazakhstan and the Russian Federation are firmly convinced that peace and stability in Afghanistan can be achieved only through a political dialogue between the parties to the conflict, under United Nations auspices and with the mediation of interested States in the spirit of Security Council resolution 1193 (1998) of 28 August 1998.

The talks between the Presidents of Kazakhstan and the Russian Federation were held in the usual atmosphere of mutual understanding and constructive cooperation, which are characteristic of relations between the leaders of the two States.

The State visit of the President of the Russian Federation to Kazakhstan marked a new stage in the strengthening of friendship between the two countries and peoples.

The President of the Russian Federation, Mr. Boris Yeltsin, expressed his thanks to the leaders and people of Kazakhstan for their warm welcome and invited the President of Kazakhstan, Mr. Nursultan Nazarbaev, to make a State visit to the Russian Federation.

The invitation was accepted with gratitude. The time of the visit will be agreed on at a later date.